

CIRCULAR No. 506.

**MILITARY SERVICES DURING OPERATIONS IN MEXICO, OR ALONG
THE BORDER—PUBLIC RESOLUTION NO. 32, OF AUGUST 29,
1916.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 27, 1916.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Public Resolution No. 32, approved August 29, 1916, provides:

That the provisions of the act approved June 16, 1898, chapter 458 (30 Stat., 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States.

Said act of June 16, 1898, provides:

That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided*, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

2. No application hereafter filed to contest a homestead entry on the ground of abandonment will be allowed by you unless there is an allegation therein that the entryman's alleged absence from the land was not due to his employment in military service rendered in connection with operations in Mexico, or along the borders thereof,

or in mobilization camps elsewhere, in the military or naval organization of the United States or the National Guard of any of the several States.

3. No allegation of abandonment will be sustained against a homestead settler in connection with a contest initiated after August 29, 1916, unless it be proved at the hearing, if one be had, that the entryman's alleged absence from the land was not due to his employment in military service as indicated.

4. No instructions will be issued at this time on any other provision of the resolution.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

Bo SWEENEY,

Acting Secretary.